

REMARKS

Claims 12-18, 21 and 22 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Section 112 rejection of claims 12, 17 and 21 is believed to be obviated by the forgoing amendment. With respect to claim 14, the recitation of a blend of at least two polyvinyl acetates would be understood and recognized by those skilled in the art. The two polyvinyl acetate resins may have been prepared in different ways (as recited in claim 21), have different molecular weights, have different levels of alcohol, have different Tgs, etc. While the number and types of blends may be numerous, such breadth does not render the claims indefinite under 35 U.S.C. 112, second paragraph. With respect to claim 13, the adhesive is foamed, e.g., by the introduction of air, such that the volume of the adhesive following foaming is from about 20% to about 60% larger than the volume of the adhesive prior to foaming.

Claims 12 and 18 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Murphy et al. (U.S. Patent No. 4,036,673) and claims 13-17, 21 and 22 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Murphy et al. (U.S. Patent No. 4,036,673). Applicants disagree.

Murphy discloses use of an adhesive comprising a resinous material. While polyvinyl acetate is included in the list of suitable resins, disclosed as being particularly preferred is a vinyl acetate butyl acrylate copolymer, and this is the resin used in all exemplified formulations. The adhesive is foamed and used to attach a floor surface covering material to a floor. The adhesive is foamed and applied in the foamed state in the field by the installer of the surface material. Use of the described foamed vinyl

acetate butyl acrylate copolymer based adhesive to secure foamed backed and felt backed vinyl flooring to wood floor and masonite is disclosed.

There is no disclosure in the Murphy patent that discloses or suggests that wood composites may be bonded to high pressure laminates using a foamed polyvinyl acetate based adhesive. Indeed, it is respectfully submitted that Murphy teaches away from any such use. Reference is made to col. 1, lines 18-26, where Murphy discloses:

Many types of adhesives or adhesive products have been used, but the type of adhesive used depends to a large extent upon the use to which the surface covering will be subjected, as well as the nature of the surface covering material and the surface being covered.. For example, the adhesive used for laying vinyl sheet goods on a concrete floor is substantially different than the adhesive used for applying wall paper to a gypsum-board.

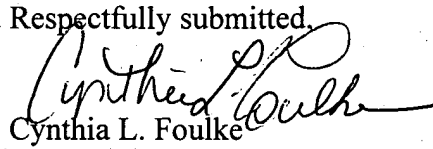
Applicants acknowledge that, as disclosed by Murphy (col. 1, lines 15-18):

The prior art has suggested many methods for installing a surface covering material on a surface such as a floor surface; wall surface, counter top, ceiling, upholstery substrates or the like.

Murphy, however, does not teach countertops or any other article wherein a wood composite material is bonded to a high pressure laminate using a foamed adhesive comprising polyvinyl acetate. Articles of the type claimed by applicants are not manufactured in the field, but are massed produced in a factory. There is no disclosure that would lead the skilled artisan to the claimed invention let alone provide any indication that such could be successfully accomplished.

Applicants submit that the claimed subject matter represents an important and patentable contribution to the art. Favorable and early action solicited.

Respectfully submitted,


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November 13, 2003

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Marked-up copy of claims showing changes made

Claim 1. A hot melt adhesive composition comprising, by weight of the hot melt adhesive composition,

a) about 5 weight percent to about 60 weight percent of an [ethylene vinyl] ethylene-vinyl acetate copolymer having a vinyl acetate content of about 30 weight percent to 50 weight percent and a melt index of about 700 to 4,000 dg/min;

b) about [5] 30 weight percent to about 60 weight percent of a terpene phenolic tackifier; and

c) about 15 weight percent to about 55 weight percent of a wax with a melting point of about 125°F to 180°F;

wherein the hot melt composition can be applied at a temperature of 200°F to 300°F.

Claim 8. A hot melt adhesive composition comprising, by weight of the hot melt adhesive composition,

a) about 35 weight percent of an [ethylene vinyl] ethylene-vinyl acetate copolymer with about 40 weight percent vinyl acetate and having a melt index of at about 1,000;

b) about 30 weight percent of a terpene phenolic tackifier [selected from the group consisting of terpene, terpene phenolic, modified terpenes, and combinations thereof];

c) about 5 weight percent of at least one additional tackifier selected from the group consisting of pentaerythritol, hydrogenated glycerol, and combinations thereof;

d) about 30 weight percent of a wax with a melting point of about 150°F;

wherein the hot melt composition can be applied at a temperature of 200°F to 300°F.

Claim 11. An adhesive according to Claim 1 which comprises about 35 weight percent to about 45 weight percent of an [ethylene vinyl] ethylene-vinyl acetate copolymer.